

Updates: Criminal Procedure Monograph 1—Issuance of Complaints & Arrest Warrants (Third Edition)

Part A — Commentary

1.6 Initiating the Arrest Warrant Process

E. Determining a Person's Parolee Status

Effective January 10, 2007, 2006 PA 668 enacted MCL 764.1g to require that law enforcement officers use the LEIN to determine whether an individual is a parolee before issuing an arrest warrant for that person. Near the middle of page 14, immediately before Section 1.7, insert a new subsection (E) as indicated above and the following text:

Before a warrant is issued, the law enforcement agency seeking the arrest warrant must use the LEIN to determine whether the individual for whom the arrest warrant is sought is a parolee under the jurisdiction of the Department of Corrections (DOC). If a person for whom an arrest warrant is sought is determined to be a parolee under the DOC's jurisdiction, the DOC must be notified and provided with certain information. MCL 764.1g states:

“(1) Before a warrant is issued for the arrest of a person who is not in custody, the law enforcement agency investigating the crime shall use the law enforcement information network to determine whether the person is a parolee under the jurisdiction of the department of corrections. If the person is determined to be a parolee under the jurisdiction of the department of corrections, and the magistrate issues a warrant for the arrest of that person, the investigating law enforcement agency or, if the court is entering arrest warrants into the law enforcement information network and the investigating law enforcement agency informs the court that the person is a parolee, the court shall promptly give to the department of corrections, by telephonic or electronic means, notice of all of the following:

“(a) The identity of the person named in the warrant.

“(b) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person named in the warrant is a parolee under the jurisdiction of the department of corrections.

“(c) The charge or charges stated in the warrant.

“(2) If the court has assumed the responsibility for entering arrest warrants into the law enforcement information network and delays issuance or entry of a warrant pending a court appearance by the person named in the warrant, the law enforcement agency submitting the sworn complaint to the court shall promptly give to the department of corrections, by telephonic or electronic means, notice of the following:

“(a) The identity of the person named in the sworn complaint.

“(b) The fact that a prosecuting attorney has authorized issuance of a warrant.

“(c) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person named in the sworn complaint is a parolee under the jurisdiction of the department of corrections.

“(d) The charge or charges stated in the sworn complaint.

“(e) Whether, pending a court appearance by the person named in the sworn complaint, the court has either issued the arrest warrant but delayed entry of the warrant into the law enforcement information network or has delayed issuance of the warrant.

“(3) The requirement to give notice to the department of corrections under subsection (1) or (2) is complied with if the notice is transmitted to any of the following:

“(a) To the department by a central toll-free telephone number that is designated by the department for that purpose and that is in operation 24 hours a day and is posted in the department’s database of information concerning the status of parolees.

“(b) To a parole agent serving the county where the warrant is issued or is being sought.

“(c) To the supervisor of the parole office serving the county where the warrant is issued or is being sought.”